REMARKS

Claims 2-31 are pending in this application, of which claims 11 and 30 are independent. We have added new claims 31 and 32, support for which can be found in Figures 6 and 7.

The Independent Claims

Examiner has rejected independent claims 11 and 30 under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 3,763,506 (Szego) in view of U.S. Patent No. 5,881,408 (Bashista et al.).

Examiner concedes that Szego fails to teach a protective member sealing the inner, inflatable panels from the child, as recited in claims 11 and 30. Examiner maintains that Bashista teaches this feature (i.e., mesh crib liner 30). Examiner argues that one of skill in the art would be motivated to "provide the crib [of Szego] with means for preventing an infant or toddler from extending her limbs out of the apertures in the side panels [as described in Bashista]" (Office Action, page 4).

We disagree. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art (see MPEP 2143.01(I)).

We submit that one of skill in the art would not be motivated to combine Szego with Bashista in this manner.

In conventional baby cribs, as discussed in Bashista, the side rails are constructed such that "babies and toddlers while sleeping or playing in their cribs intentionally or accidentally extend their limbs out of the crib between the slats and have difficulty drawing them back into the crib" due to the rigidity of the slats (column 1, lines 8-13). Therefore, as the Examiner correctly notes, "the primary object" of the invention of Bashista is to address this hazard. That is, Bashista "provide[s] a crib liner which prohibits a child from extending its limbs out of the crib between the slab" (column 1, lines 54-56).

Szego teaches an inflatable crib, including inflatable walls 11. The walls 11 may be "slotted vertically to provide apertures 13 which give the structure more the appearance of a conventional baby's crib" (column 1, lines 36-39). It is evident that Szego's design does not suffer from the hazard contemplated in Bashista. Specifically, even if the inflatable walls 11 of Szego are slotted vertically to provide apertures 13, the inflatable nature of the walls 11 would seem to allow the child to draw her limbs back into the crib through the apertures 13 without difficulty and avoiding injury.

Therefore, there is no motivation to combine because, while Bashista teaches a design to improve to a conventional crib, Szego also teaches a design that inherently provides the same benefit in a non-conventional crib (see column 1, lines 36-39 where the reference discusses its differences from a conventional baby crib).

The Dependent Claims

The dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable. Canceled claims, if any, have been canceled without prejudice or disclaimer.

In particular, with regard to claims 31 and 32, neither Szego nor Bashista, separately or in any proper combination, suggest that the protective member is positioned at a corner region. This design prevents the child from squirming or rolling into the corner region where the risk of suffocation is higher should the side panels deflate. Indeed, as the Examiner concedes, Szego fails to teach the protecting member. We submit that Bashista fails to teach positioning the protective member specifically at the corner region for addressing the risk of suffocation due to accidental collapse.

Any circumstance in which the applicant has (a) addressed certain comments of the Examiner does not mean that the applicant concedes other comments of the Examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim

does not mean that the applicant concedes any of the Examiner's positions with respect to that claim or other claims.

The Examiner crossed-out the three patents listed on the PTO 1449 form submitted with their Information Disclosure Statement mailed December 28, 2005 as being duplicates. Applicant recognizes that U.S. 4,739,527 (Kohus et al.) was cited by the Examiner in rejecting the claims in the Examiner's office action dated October 21, 2005. However, the Examiner did not list that patent on the PTO-Form 892 accompanying the office action. Applicant is concerned that the U.S. 4,739,527 patent will not appear on the front face of the any patent that might issue from this application. Thus, Applicant requests that the Examiner indicate that the U.S. 4,739,527 patent has been considered and have it listed on a PTO-Form 892.

No fee is believed to be due. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket Number 10762-006001.

Respectfully submitted,

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Frank R. Occhiuti
Reg. No. 35,306

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906